

REMARKS

Claims 1-35 and 38 are pending in this application. By this Amendment, claims 1, 11, 16 and 33-35 are amended for clarity. Support for the amendments can be found, for example, in the claims as originally filed and in the specification (see specification, page 3, lines 24-30). No new matter is added.

I. Election Of Species

The Office Action requires election of a specific species for a single disclosed coil polymeric block structure; rod polymeric block structure; and copolymer configuration. In response, Applicants provisionally elect for a coil polymeric block structure: propylene polyoxide; for a rod polymeric block structure: poly(L-glutamic acid); and for a copolymer configuration: a rod-block-coil di-block. At least claims 1-35 and 38 read on the elected species and at least claims 1 -3, 5, 7-9, 11, 12, 13, 15-35 and 38 are generic to all species. These elections are made with traverse.

The Election of Species Requirement is a convention specific to U.S. patent examination practice. PCT Rule 13.1 specifically contemplates the single examination of a group of inventions solely directed to a single general inventive concept, and PCT Rule 13.4 specifically requires the examination of species claims within a single general inventive concept. Nothing in the PCT or its rules permits issuing an Election of Species Requirement. Any United States practice (such as an Election of Species Requirement) or interpretation of the rule which is different from, or in addition to, the unity of invention practice as delineated in PCT Rules 13.1 - 13.4 is necessarily in violation of PCT Article 27. Species practice is not provided for under PCT Rules 13.1 - 13.4 and, thus, is contrary to PCT Article 27. Therefore, the present Election of Species Requirement is prohibited by Article 27.

Applicants further understand, however, that upon search, examination and allowance of the elected species, search and examination will continue as to a reasonable number of

non-elected species. Accordingly, the Examiner is respectfully requested to reconsider and withdraw the Election of Species Requirement and to fully examine all of the claims in this application.

II. Conclusion

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1-35 and 38 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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Date: December 7, 2009

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